

ORIGINAL

IN THE SUPREME COURT OF OHIO

Steve and Megan Hilmer, individually  
and on behalf of Casey Hilmer, a minor  
:  
:  
Plaintiffs  
:  
v.  
:  
Lance White, et al.  
:  
:  
Defendants

CASE NO. 08-0403  
On appeal from the Hamilton County  
Court of Appeals, First Appellate District  
:  
Court of Appeals  
Case No. C-070074

ON COMPUTER - TAI

Safeco Insurance Company of America  
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:  
Plaintiff-Appellant  
:  
v.  
:  
Federal Insurance Company  
:  
:  
And  
:  
Pacific Indemnity Company  
:  
:  
Defendants-Appellees  
:  
:  
And  
:  
Benjamin White, et al.  
:  
:  
Defendants

FILED  
FEB 21 2008  
CLERK OF COURT  
SUPREME COURT OF OHIO

APPELLANT SAFECO INSURANCE COMPANY OF AMERICA'S MOTION TO SEAL  
RECORD AND PLEADINGS ON APPEAL

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## MEMORANDUM

Now comes Appellant Safeco Insurance Company of America, by and through its undersigned counsel, and hereby moves this Court to seal the record and pleadings filed in this Appeal consistent with the trial court's Joint Stipulated Confidentiality Order entered August 17, 2006. A copy of the Joint Stipulated Confidentiality Order entered in the case below is attached hereto as Exhibit 1. Upon Motion of Appellant, the First District Court of Appeals previously granted a similar Motion to Seal Record and Pleadings on Appeal. A copy of the First District's February 22, 2007 Entry Granting Motion to Seal Record and Pleadings is attached as Exhibit 2. Counsel for Appellee has been contacted and does not object to this request.

Consistent with the aforementioned Confidentiality Order, Appellant requests this Court also enter the following Order with respect to proceedings associated with this Appeal:

All further filings attaching, containing information derived from, or relying on information from the Mutual Release and Settlement Agreement between the Hilmer Plaintiffs and the White Defendants should be captioned beginning with the words: "FILED UNDER SEAL PURSUANT TO COURT ORDER." The Clerk is hereby instructed to maintain all future filings under seal and, absent further Order of this Court, not to allow access to these records to anyone but parties to this action and their counsel. The parties are prohibited from disclosing or distributing the terms of the Mutual Release and Settlement Agreement, any document or exhibit filed under seal, or the contents of any documents filed under seal, to any third-party except upon Court Order permitting such disclosure.

Respectfully submitted,



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### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was sent via ordinary mail to the following on this 21<sup>st</sup> day of February, 2008:

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IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

JUDGE ROBERT P. RUEHLMAN  
Court of Common Pleas  
Hamilton County, Ohio

SAFECO INSURANCE COMPANY OF AMERICA,

Plaintiff,

-vs-

BENJAMIN WHITE, et al.,

Defendants.

CASE NO: A-0403452  
(Consolidated with A-0408943)

JUDGE ROBERT P. RUEHLMAN

JOINT STIPULATED:

CONFIDENTIALITY ORDER

ENTERED  
AUG 17 2006

Now come the remaining<sup>1</sup> parties to this action and jointly request, stipulate, and agree to the terms and entry of the following Confidentiality Order. The remaining parties (except Safeco Insurance Company of America ["Safeco"]) have entered into a final and binding Mutual Release and Settlement Agreement which contains a confidentiality clause. Safeco has no objection to the confidentiality of the Mutual Release and Settlement Agreement. Since further proceedings may require the parties to disclose and/or rely on the terms of the Mutual Release and Settlement Agreement and related documents, all parties jointly agree and stipulate that the Court should enter the following Order:

All further filings attaching, containing information derived from, or relying on information from the Mutual Release and Settlement Agreement between the Hilmer Plaintiffs and the White Defendants shall be captioned beginning with the words: "FILED UNDER SEAL PURSUANT TO COURT ORDER." The Clerk is hereby instructed to maintain all future filings under seal and, absent further order of this

<sup>1</sup> On August 11, 2006, the Hilmer Plaintiffs dismissed their claims presented herein pursuant to the Mutual Release and Settlement Agreement.

EXHIBIT  
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Court, not to allow access to these records by anyone but parties to this action. The parties are prohibited from disclosing or distributing the terms of the Mutual Release and Settlement Agreement, any document or exhibit filed under seal, or the contents of any document filed under seal, to any third party except upon Court order permitting such disclosure.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

**STIPULATED AND AGREED TO:**

**JUDGE ROBERT P. RUEHLMAN**

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*Counsel for Lance and Diane White*

The clerk is instructed to serve this Order on all parties not in default for failure to appear.

CERTIFICATE OF SERVICE

A copy of the foregoing was mailed by regular U.S. mail, postage pre-paid, this 14<sup>th</sup> day of August, 2006, to:

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**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

SAFECO INSURANCE COMPANY  
OF AMERICA,

APPEAL NO. C-070074

TRIAL NO. A-0403452 and A-0408943

Appellant,

vs

ENTRY GRANTING MOTION  
TO SEAL RECORD AND PLEADINGS

BENJAMIN WHITE, et al.,

Appellees.

This cause came on to be considered upon the motion of the appellant filed herein to seal the record and the pleadings filed in this appeal consistent with the trial court's Joint Stipulated Confidentiality Order of August 17, 2006.

The Court finds that the motion is well taken and is granted.

All further filings attaching, containing information derived from, or relying on information from the Mutual Release and Settlement Agreement between the Hilmer Plaintiffs and the White Defendants should be captioned with the words: "FILED UNDER SEAL PURSUANT TO COURT ORDER." The Clerk is hereby instructed to maintain all future filings under seal and, absent further order of this Court, not to allow access to these records to anyone but the parties to this action. The parties are prohibited from disclosing or distributing the terms of the Mutual Release and Settlement Agreement, any document or exhibit filed under seal, or the contents of any documents filed under seal, to any third-party except upon Court order permitting such disclosure.

**To The Clerk:**

Enter upon the Journal of the Court on FEB 22 2007 per order of the Court.

By: \_\_\_\_\_

*Sule*  
Acting Presiding Judge

(Copies sent to all counsel)

EXHIBIT

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